

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Petition to Revoke  
Probation Against:

**BRUCE EMIL GRIZER**  
**13959 Midland Road**  
**Poway, CA 92064**

Registered Nurse License No. **406851**

Respondent

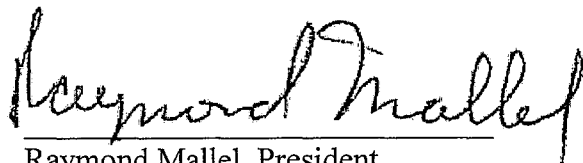
Case No. 2011-942

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **January 11, 2013**.

IT IS SO ORDERED **December 13, 2012**.



Raymond Mallel, President  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California

1 KAMALA D. HARRIS  
Attorney General of California  
2 LINDA K. SCHNEIDER  
Supervising Deputy Attorney General  
3 ANTOINETTE B. CINCOTTA  
Deputy Attorney General  
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*Attorneys for Complainant*

8  
9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Petition to Revoke  
12 Probation Against:

13 **BRUCE EMIL GRIZER**  
14 **13959 Midland Road**  
**Poway, CA 92064**

15 **Registered Nurse License No. 406851**

16 Respondent.

Case No. 2011-942

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

17  
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
19 entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Executive Officer of the Board of  
22 Registered Nursing (Board). She brought this action solely in her official capacity and is  
23 represented in this matter by Kamala D. Harris, Attorney General of the State of California, by  
24 Antoinette B. Cincotta, Deputy Attorney General.

25 2. Respondent Bruce Emil Grizer (Respondent) is represented in this proceeding by  
26 attorney David M. Balfour, whose address is: 2780 Gateway Road, Carlsbad, CA 92009.

27 3. On or about November 30, 1986, the Board issued Registered Nurse License No.  
28 406851 to Bruce Emil Grizer (Respondent). The Registered Nurse License was in full force and

1 effect at all times relevant to the charges brought in Petition to Revoke Probation No. 2011-942  
2 and will expire on September 30, 2014, unless renewed.

3 4. In a disciplinary action entitled "In the Matter of the Accusation Against: Bruce Emil  
4 Grizer," Case No. 2011-942, the Board issued a decision, effective August 17, 2012, in which  
5 Respondent's Registered Nurse License was revoked. However, the revocation was stayed and  
6 Respondent's Registered Nurse License was placed on probation for a period of three (3) years  
7 with certain terms and conditions.

#### 8 JURISDICTION

9 5. Petition to Revoke Probation No. 2011-942 was filed before the Board of Registered  
10 Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent.  
11 The Petition to Revoke Probation and all other statutorily required documents were properly  
12 served on Respondent on October 9, 2012. Respondent timely filed his Notice of Defense  
13 contesting the Petition to Revoke Probation.

14 6. A copy of Petition to Revoke Probation No. 2011-942 is attached as Exhibit A, and is  
15 incorporated herein by reference.

#### 16 ADVISEMENT AND WAIVERS

17 7. Respondent has carefully read, fully discussed with counsel, and understands the  
18 charges and allegations in Petition to Revoke Probation No. 2011-942. Respondent has also  
19 carefully read, fully discussed with counsel, and understands the effects of this Stipulated  
20 Settlement and Disciplinary Order.

21 8. Respondent is fully aware of his legal rights in this matter, including the right to a  
22 hearing on the charges and allegations in the Petition to Revoke Probation; the right to confront  
23 and cross-examine the witnesses against him; the right to present evidence and to testify on his  
24 own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the  
25 production of documents; the right to reconsideration and court review of an adverse decision;  
26 and all other rights accorded by the California Administrative Procedure Act and other applicable  
27 laws.

28 ///

9. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

## CULPABILITY

10. Respondent admits the truth of each and every charge and allegation in Petition to Revoke Probation No. 2011-942.

11. Respondent agrees that his Registered Nurse License is subject to discipline and he agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

## CONTINGENCY

12. This stipulation shall be subject to approval by the Board. Respondent understands and agrees that counsel for Complainant and the staff of the Board may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

13. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

14. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

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15. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

## DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Registered Nurse License No. 406851 issued to Respondent Bruce Emil Grizer (Respondent) is revoked. However, the revocation is stayed, and Respondent's probation previously imposed in the Decision and Order effective on August 17, 2012, is increased from three (3) years to four (4) years on all of the same terms and conditions, which are set forth below, and will be concluded on August 16, 2016, unless extended by the terms of probation.

**Severability Clause.** Each condition of probation contained herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

1. **Obey All Laws.** Respondent shall obey all federal, state and local laws. A full and detailed account of any and all violations of law shall be reported by Respondent to the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this condition, Respondent shall submit completed fingerprint forms and fingerprint fees within 45 days of the effective date of the decision, unless previously submitted as part of the licensure application process.

**Criminal Court Orders:** If Respondent is under criminal court orders, including probation or parole, and the order is violated, this shall be deemed a violation of these probation conditions, and may result in the filing of an accusation and/or petition to revoke probation.

2. **Comply with the Board's Probation Program.** Respondent shall fully comply with the conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of the Respondent's compliance with the Board's Probation Program. Respondent shall inform the Board in writing within no

1 more than 15 days of any address change and shall at all times maintain an active, current license  
2 status with the Board, including during any period of suspension.

3 Upon successful completion of probation, Respondent's license shall be fully restored.

4 3. **Report in Person.** Respondent, during the period of probation, shall appear in  
5 person at interviews/meetings as directed by the Board or its designated representatives.

6 4. **Residency, Practice, or Licensure Outside of State.** Periods of residency or  
7 practice as a registered nurse outside of California shall not apply toward a reduction of this  
8 probation time period. Respondent's probation is tolled, if and when he resides outside of  
9 California. Respondent must provide written notice to the Board within 15 days of any change of  
10 residency or practice outside the state, and within 30 days prior to re-establishing residency or  
11 returning to practice in this state.

12 Respondent shall provide a list of all states and territories where he has ever been licensed  
13 as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide  
14 information regarding the status of each license and any changes in such license status during the  
15 term of probation. Respondent shall inform the Board if he applies for or obtains a new nursing  
16 license during the term of probation.

17 5. **Submit Written Reports.** Respondent, during the period of probation, shall submit  
18 or cause to be submitted such written reports/declarations and verification of actions under  
19 penalty of perjury, as required by the Board. These reports/declarations shall contain statements  
20 relative to Respondent's compliance with all the conditions of the Board's Probation Program.  
21 Respondent shall immediately execute all release of information forms as may be required by the  
22 Board or its representatives.

23 Respondent shall provide a copy of this Decision to the nursing regulatory agency in every  
24 state and territory in which he has a registered nurse license.

25 6. **Function as a Registered Nurse.** Respondent, during the period of probation, shall  
26 engage in the practice of registered nursing in California for a minimum of 24 hours per week for  
27 6 consecutive months or as determined by the Board.

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1 For purposes of compliance with the section, "engage in the practice of registered nursing"  
2 may include, when approved by the Board, volunteer work as a registered nurse, or work in any  
3 non-direct patient care position that requires licensure as a registered nurse.

4 The Board may require that advanced practice nurses engage in advanced practice nursing  
5 for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

6 If Respondent has not complied with this condition during the probationary term, and  
7 Respondent has presented sufficient documentation of his good faith efforts to comply with this  
8 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an  
9 extension of Respondent's probation period up to one year without further hearing in order to  
10 comply with this condition. During the one year extension, all original conditions of probation  
11 shall apply.

12 **7. Employment Approval and Reporting Requirements.** Respondent shall obtain  
13 prior approval from the Board before commencing or continuing any employment, paid or  
14 voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all  
15 performance evaluations and other employment related reports as a registered nurse upon request  
16 of the Board.

17 Respondent shall provide a copy of this Decision to his employer and immediate  
18 supervisors prior to commencement of any nursing or other health care related employment.

19 In addition to the above, Respondent shall notify the Board in writing within seventy-two  
20 (72) hours after he obtains any nursing or other health care related employment. Respondent  
21 shall notify the Board in writing within seventy-two (72) hours after he is terminated or separated,  
22 regardless of cause, from any nursing, or other health care related employment with a full  
23 explanation of the circumstances surrounding the termination or separation.

24 **8. Supervision.** Respondent shall obtain prior approval from the Board regarding  
25 Respondent's level of supervision and/or collaboration before commencing or continuing any  
26 employment as a registered nurse, or education and training that includes patient care.

27 Respondent shall practice only under the direct supervision of a registered nurse in good  
28 standing (no current discipline) with the Board of Registered Nursing, unless alternative methods

1 of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are  
2 approved.

3 Respondent's level of supervision and/or collaboration may include, but is not limited to the  
4 following:

5 (a) Maximum - The individual providing supervision and/or collaboration is present in  
6 the patient care area or in any other work setting at all times.

7 (b) Moderate - The individual providing supervision and/or collaboration is in the patient  
8 care unit or in any other work setting at least half the hours Respondent works.

9 (c) Minimum - The individual providing supervision and/or collaboration has person-to-  
10 person communication with Respondent at least twice during each shift worked.

11 (d) Home Health Care - If Respondent is approved to work in the home health care  
12 setting, the individual providing supervision and/or collaboration shall have person-to-person  
13 communication with Respondent as required by the Board each work day. Respondent shall  
14 maintain telephone or other telecommunication contact with the individual providing supervision  
15 and/or collaboration as required by the Board during each work day. The individual providing  
16 supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to  
17 patients' homes visited by Respondent with or without Respondent present.

18 9. **Employment Limitations.** Respondent shall not work for a nurse's registry, in any  
19 private duty position as a registered nurse, a temporary nurse placement agency, a traveling nurse,  
20 or for an in-house nursing pool.

21 Respondent shall not work for a licensed home health agency as a visiting nurse unless the  
22 registered nursing supervision and other protections for home visits have been approved by the  
23 Board. Respondent shall not work in any other registered nursing occupation where home visits  
24 are required.

25 Respondent shall not work in any health care setting as a supervisor of registered nurses.  
26 The Board may additionally restrict Respondent from supervising licensed vocational nurses  
27 and/or unlicensed assistive personnel on a case-by-case basis.

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1 Respondent shall not work as a faculty member in an approved school of nursing or as an  
2 instructor in a Board approved continuing education program.

3 Respondent shall work only on a regularly assigned, identified and predetermined  
4 worksite(s) and shall not work in a float capacity.

5 If Respondent is working or intends to work in excess of 40 hours per week, the Board may  
6 request documentation to determine whether there should be restrictions on the hours of work.

7 **10. Complete a Nursing Course(s).** Respondent, at his own expense, shall enroll and  
8 successfully complete a course(s) relevant to the practice of registered nursing no later than six  
9 months prior to the end of his probationary term.

10 Respondent shall obtain prior approval from the Board before enrolling in the course(s).  
11 Respondent shall submit to the Board the original transcripts or certificates of completion for the  
12 above required course(s). The Board shall return the original documents to Respondent after  
13 photocopying them for its records.

14 **11. Cost Recovery.** Respondent shall pay to the Board costs associated with its  
15 investigation and enforcement pursuant to Business and Professions Code section 125.3 in the  
16 amount of \$1,510.00. Respondent shall be permitted to pay these costs in a payment plan  
17 approved by the Board, with payments to be completed no later than three months prior to the end  
18 of the probation term.

19 If Respondent has not complied with this condition during the probationary term, and  
20 Respondent has presented sufficient documentation of his good faith efforts to comply with this  
21 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an  
22 extension of Respondent's probation period up to one year without further hearing in order to  
23 comply with this condition. During the one year extension, all original conditions of probation  
24 will apply.

25 **12. Violation of Probation.** If Respondent violates the conditions of his probation, the  
26 Board after giving Respondent notice and an opportunity to be heard, may set aside the stay order  
27 and impose the stayed discipline (revocation/suspension) of Respondent's license.

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1 If during the period of probation, an accusation or petition to revoke probation has been  
2 filed against Respondent's license or the Attorney General's Office has been requested to prepare  
3 an accusation or petition to revoke probation against Respondent's license, the probationary  
4 period shall automatically be extended and shall not expire until the accusation or petition has  
5 been acted upon by the Board.

6 13. **License Surrender.** During Respondent's term of probation, if he ceases practicing  
7 due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation,  
8 Respondent may surrender his license to the Board. The Board reserves the right to evaluate  
9 Respondent's request and to exercise its discretion whether to grant the request, or to take any  
10 other action deemed appropriate and reasonable under the circumstances, without further hearing.  
11 Upon formal acceptance of the tendered license and wall certificate, Respondent will no longer be  
12 subject to the conditions of probation.

13 Surrender of Respondent's license shall be considered a disciplinary action and shall  
14 become a part of Respondent's license history with the Board. A registered nurse whose license  
15 has been surrendered may petition the Board for reinstatement no sooner than the following  
16 minimum periods from the effective date of the disciplinary decision:

17 (1) Two years for reinstatement of a license that was surrendered for any reason other  
18 than a mental or physical illness; or

19 (2) One year for a license surrendered for a mental or physical illness.

20 14. **Physical Examination.** Within 45 days of the effective date of this Decision,  
21 Respondent, at his expense, shall have a licensed physician, nurse practitioner, or physician  
22 assistant, who is approved by the Board before the assessment is performed, submit an  
23 assessment of the Respondent's physical condition and capability to perform the duties of a  
24 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If  
25 medically determined, a recommended treatment program will be instituted and followed by the  
26 Respondent with the physician, nurse practitioner, or physician assistant providing written reports  
27 to the Board on forms provided by the Board.

28 ///

1 If Respondent is determined to be unable to practice safely as a registered nurse, the  
2 licensed physician, nurse practitioner, or physician assistant making this determination shall  
3 immediately notify the Board and Respondent by telephone, and the Board shall request that the  
4 Attorney General's office prepare an accusation or petition to revoke probation. Respondent shall  
5 immediately cease practice and shall not resume practice until notified by the Board. During this  
6 period of suspension, Respondent shall not engage in any practice for which a license issued by  
7 the Board is required until the Board has notified Respondent that a medical determination  
8 permits Respondent to resume practice. This period of suspension will not apply to the reduction  
9 of this probationary time period.

10 If Respondent fails to have the above assessment submitted to the Board within the 45-day  
11 requirement, Respondent shall immediately cease practice and shall not resume practice until  
12 notified by the Board. This period of suspension will not apply to the reduction of this  
13 probationary time period. The Board may waive or postpone this suspension only if significant,  
14 documented evidence of mitigation is provided. Such evidence must establish good faith efforts  
15 by Respondent to obtain the assessment, and a specific date for compliance must be provided.  
16 Only one such waiver or extension may be permitted.

17 **15. Participate in Treatment/Rehabilitation Program for Chemical Dependence.**

18 Respondent, at his expense, shall successfully complete during the probationary period or shall  
19 have successfully completed prior to commencement of probation a Board-approved  
20 treatment/rehabilitation program of at least six months duration. As required, reports shall be  
21 submitted by the program on forms provided by the Board. If Respondent has not completed a  
22 Board-approved treatment/rehabilitation program prior to commencement of probation,  
23 Respondent, within 45 days from the effective date of the decision, shall be enrolled in a program.  
24 If a program is not successfully completed within the first nine months of probation, the Board  
25 shall consider Respondent in violation of probation.

26 Based on Board recommendation, each week Respondent shall be required to attend at least  
27 one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics Anonymous,  
28 Alcoholics Anonymous, etc.) and a nurse support group as approved and directed by the Board.

1 If a nurse support group is not available, an additional 12-step meeting or equivalent shall be  
2 added. Respondent shall submit dated and signed documentation confirming such attendance to  
3 the Board during the entire period of probation. Respondent shall continue with the recovery plan  
4 recommended by the treatment/rehabilitation program or a licensed mental health examiner  
5 and/or other ongoing recovery groups.

6       **16. Abstain from Use of Psychotropic (Mood-Altering) Drugs.** Respondent shall  
7 completely abstain from the possession, injection or consumption by any route of all controlled  
8 substances and all psychotropic (mood altering) drugs, including alcohol, except when the same  
9 are ordered by a health care professional legally authorized to do so as part of documented  
10 medical treatment. Respondent shall have sent to the Board, in writing and within fourteen (14)  
11 days, by the prescribing health professional, a report identifying the medication, dosage, the date  
12 the medication was prescribed, the Respondent's prognosis, the date the medication will no  
13 longer be required, and the effect on the recovery plan, if appropriate.

14       Respondent shall identify for the Board a single physician, nurse practitioner or physician  
15 assistant who shall be aware of Respondent's history of substance abuse and will coordinate and  
16 monitor any prescriptions for Respondent for dangerous drugs, controlled substances or mood-  
17 altering drugs. The coordinating physician, nurse practitioner, or physician assistant shall report  
18 to the Board on a quarterly basis Respondent's compliance with this condition. If any substances  
19 considered addictive have been prescribed, the report shall identify a program for the time limited  
20 use of any such substances.

21       The Board may require the single coordinating physician, nurse practitioner, or physician  
22 assistant to be a specialist in addictive medicine, or to consult with a specialist in addictive  
23 medicine.

24       **17. Submit to Tests and Samples.** Respondent, at his expense, shall participate in a  
25 random, biological fluid testing or a drug screening program which the Board approves. The  
26 length of time and frequency will be subject to approval by the Board. Respondent is responsible  
27 for keeping the Board informed of Respondent's current telephone number at all times.  
28 Respondent shall also ensure that messages may be left at the telephone number when he is not

1 available and ensure that reports are submitted directly by the testing agency to the Board, as  
2 directed. Any confirmed positive finding shall be reported immediately to the Board by the  
3 program and Respondent shall be considered in violation of probation.

4 In addition, Respondent, at any time during the period of probation, shall fully cooperate  
5 with the Board or any of its representatives, and shall, when requested, submit to such tests and  
6 samples as the Board or its representatives may require for the detection of alcohol, narcotics,  
7 hypnotics, dangerous drugs, or other controlled substances.

8 If Respondent has a positive drug screen for any substance not legally authorized and not  
9 reported to the coordinating physician, nurse practitioner, or physician assistant, and the Board  
10 files a petition to revoke probation or an accusation, the Board may suspend Respondent from  
11 practice pending the final decision on the petition to revoke probation or the accusation. This  
12 period of suspension will not apply to the reduction of this probationary time period.

13 If Respondent fails to participate in a random, biological fluid testing or drug screening  
14 program within the specified time frame, Respondent shall immediately cease practice and shall  
15 not resume practice until notified by the Board. After taking into account documented evidence  
16 of mitigation, if the Board files a petition to revoke probation or an accusation, the Board may  
17 suspend Respondent from practice pending the final decision on the petition to revoke probation  
18 or the accusation. This period of suspension will not apply to the reduction of this probationary  
19 time period.

20 **18. Mental Health Examination.** Respondent shall, within 45 days of the effective date  
21 of this Decision, have a mental health examination including psychological testing as appropriate  
22 to determine his capability to perform the duties of a registered nurse. The examination will be  
23 performed by a psychiatrist, psychologist or other licensed mental health practitioner approved by  
24 the Board. The examining mental health practitioner will submit a written report of that  
25 assessment and recommendations to the Board. All costs are the responsibility of Respondent.  
26 Recommendations for treatment, therapy or counseling made as a result of the mental health  
27 examination will be instituted and followed by Respondent.

28 ///

From:LJGVTS

858 455 5408

10/17/2012 16:18

#067 P.001/002

1 If Respondent is determined to be unable to practice safely as a registered nurse, the  
2 licensed mental health care practitioner making this determination shall immediately notify the  
3 Board and Respondent by telephone, and the Board shall request that the Attorney General's  
4 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease  
5 practice and may not resume practice until notified by the Board. During this period of  
6 suspension, Respondent shall not engage in any practice for which a license issued by the Board  
7 is required, until the Board has notified Respondent that a mental health determination permits  
8 Respondent to resume practice. This period of suspension will not apply to the reduction of this  
9 probationary time period.

10 If Respondent fails to have the above assessment submitted to the Board within the 45-day  
11 requirement, Respondent shall immediately cease practice and shall not resume practice until  
12 notified by the Board. This period of suspension will not apply to the reduction of this  
13 probationary time period. The Board may waive or postpone this suspension only if significant,  
14 documented evidence of mitigation is provided. Such evidence must establish good faith efforts  
15 by Respondent to obtain the assessment, and a specific date for compliance must be provided.  
16 Only one such waiver or extension may be permitted.

17 19. Therapy or Counseling Program. Respondent, at his expense, shall participate in  
18 an on-going counseling program until such time as the Board releases him from this requirement  
19 and only upon the recommendation of the counselor. Written progress reports from the counselor  
20 will be required at various intervals.

#### 21 ACCEPTANCE

22 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
23 discussed it with my attorney, David M. Balfour. I understand the stipulation and the effect it  
24 will have on my Registered Nurse License. I enter into this Stipulated Settlement and  
25 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
26 Decision and Order of the Board of Registered Nursing.

27 DATED: 10/17/2012

28 Bruce Emil Grizer  
Respondent

From: LJCVTs

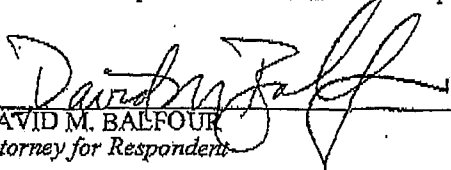
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10/17/2012 16:19

#067 P.002/002

1 I have read and fully discussed with Respondent Bruce Emil Grizer the terms and  
2 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.  
3 I approve its form and content.

4 DATED: 10/17/2012

5   
6 DAVID M. BALFOUR  
7 Attorney for Respondent

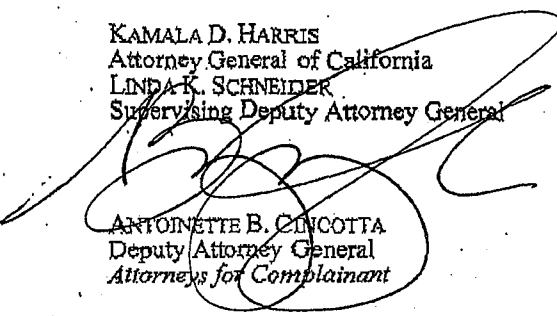
8 ENDORSEMENT

9 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
10 submitted for consideration by the Board of Registered Nursing of the Department of Consumer  
11 Affairs.

12 Dated: 10/18/2012

Respectfully submitted,

13 KAMALA D. HARRIS  
14 Attorney General of California  
15 LINDA K. SCHNEIDER  
16 Supervising Deputy Attorney General

17   
18 ANTOINETTE B. CINCOTTA  
19 Deputy Attorney General  
20 Attorneys for Complainant

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22 70633027.doc  
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**Exhibit A**

**Petition to Revoke Probation No. 2011-942**



1 KAMALA D. HARRIS  
Attorney General of California  
2 LINDA K. SCHNEIDER  
Supervising Deputy Attorney General  
3 ANTOINETTE B. CINCOTTA  
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*Attorneys for Complainant*

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9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

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12 In the Matter of the Petition to Revoke  
Probation Against,

Case No. 2011-942

13 **BRUCE EMIL GRIZER**  
13959 Midland Road  
14 Poway, CA 92064

PETITION TO REVOKE PROBATION

15 Registered Nurse License No. 406851

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Petition to Revoke Probation  
21 solely in her official capacity as the Executive Officer of the Board of Registered Nursing  
22 (Board), Department of Consumer Affairs.

23 2. On or about November 30, 1986, the Board of Registered Nursing issued Registered  
24 Nurse License Number 406851 to Bruce Emil Grizer (Respondent). The Registered Nurse  
25 License was in effect at all times relevant to the charges brought herein and will expire on  
26 September 30, 2014, unless renewed.

27 ///

28 ///

3. In a disciplinary action entitled "In the Matter of Accusation Against: Bruce Emil Grizer," Case No. 2011-942, the Board issued a decision, effective August 17, 2012, in which Respondent's Registered Nurse License was revoked. However, the revocation was stayed and Respondent's Registered Nurse License was placed on probation for a period of three (3) years with certain terms and conditions. A copy of that decision is attached as Exhibit A and is incorporated by reference.

## JURISDICTION

4. This Petition to Revoke Probation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

5. Section 118(b) of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on a license.

6. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

7. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

### FIRST CAUSE TO REVOKE PROBATION

**(Failure to Comply with the Board's Probation Program)**

8. At all times after the effective date of Respondent's probation, Condition 2 stated:

**Comply with the Board's Probation Program.**

Respondent shall fully comply with the conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of the Respondent's compliance with the Board's Probation Program. Respondent shall inform the Board in writing within no more than 15 days of any address change and shall at all times maintain an active, current license status with the Board, including during any period of suspension.

Upon successful completion of probation, Respondent's license shall be fully restored.

9. Respondent's probation is subject to revocation because he failed to comply with Probation Condition 2, referenced above, in that he failed to fully comply with the terms and conditions of his probation as set forth in paragraphs 10 through 13, below, which are incorporated here by this reference.

## SECOND CAUSE TO REVOKE PROBATION

(Abstain from Use of Alcohol)

10. At all times after the effective date of Respondent's probation, Condition 16 stated:

**Abstain from Use of Psychotropic (Mood-Altering) Drugs.**

Respondent shall completely abstain from the possession, injection or consumption by any route of all controlled substances and all psychotropic (mood altering) drugs, including alcohol, except when the same are ordered by a health care professional legally authorized to do so as part of documented medical treatment. Respondent shall have sent to the Board, in writing and within fourteen (14) days, by the prescribing health professional, a report identifying the medication, dosage, the date the medication was prescribed, the Respondent's prognosis, the date the medication will no longer be required, and the effect on the recovery plan, if appropriate.

Respondent shall identify for the Board a single physician, nurse practitioner or physician assistant who shall be aware of Respondent's history of substance abuse and will coordinate and monitor any prescriptions for Respondent for dangerous drugs, controlled substances or mood-altering drugs. The coordinating physician, nurse practitioner, or physician assistant shall report to the Board on a quarterly basis Respondent's compliance with this condition. If any substances considered addictive have been prescribed, the report shall identify a program for the time limited use of any such substances.

The Board may require the single coordinating physician, nurse practitioner, or physician assistant to be a specialist in addictive medicine, or to consult with a specialist in addictive medicine.

11. Respondent's probation is subject to revocation because he failed to comply with Probation Condition 16, referenced above. The facts and circumstances regarding this violation are as follows:

a. On or about September 17, 2012, Respondent provided a biological fluid sample pursuant to his Probation Condition 17. On that same day, Respondent tested positive for EtG/EtS (alcohol).

///

1       b:    On September 16, 2012, Respondent sent an e-mail to the Board admitting that he had  
2 consumed food prepared with alcohol, "specifically a dressing with a wine base."

3       c.    On September 25, 2012, Respondent sent another e-mail to the Board admitting that  
4 on September 16, 2012, "[a]fter consuming a large portion of the salad, I inquired [as to] the  
5 dressing that had been placed on the salad during the serving process. . . I learned that the  
6 dressing was made with Champagne."

7                               **THIRD CAUSE TO REVOKE PROBATION**

8                               **(Biological Fluid Testing)**

9       12.   At all times after the effective date of Respondent's probation, Condition 17 stated:

10               **Submit to Tests and Samples.**

11               Respondent, at his expense, shall participate in a random, biological fluid  
12 testing or a drug screening program which the Board approves. The length of time  
13 and frequency will be subject to approval by the Board. Respondent is responsible  
14 for keeping the Board informed of Respondent's current telephone number at all  
15 times. Respondent shall also ensure that messages may be left at the telephone  
16 number when he is not available and ensure that reports are submitted directly by  
17 the testing agency to the Board, as directed. Any confirmed positive finding shall  
18 be reported immediately to the Board by the program and Respondent shall be  
19 considered in violation of probation.

16               In addition, Respondent, at any time during the period of probation, shall fully  
17 cooperate with the Board or any of its representatives, and shall, when requested,  
18 submit to such tests and samples as the Board or its representatives may require for  
19 the detection of alcohol, narcotics, hypnotics, dangerous drugs, or other controlled  
20 substances.

19               If Respondent has a positive drug screen for any substance not legally  
20 authorized and not reported to the coordinating physician, nurse practitioner, or  
21 physician assistant, and the Board files a petition to revoke probation or an  
22 accusation, the Board may suspend Respondent from practice pending the final  
23 decision on the petition to revoke probation or the accusation. This period of  
24 suspension will not apply to the reduction of this probationary time period.

23               If Respondent fails to participate in a random, biological fluid testing or drug  
24 screening program within the specified time frame, Respondent shall immediately  
25 cease practice and shall not resume practice until notified by the Board. After  
26 taking into account documented evidence of mitigation, if the Board files a petition  
27 to revoke probation or an accusation, the Board may suspend Respondent from  
28 practice pending the final decision on the petition to revoke probation or the  
29 accusation. This period of suspension will not apply to the reduction of this  
30 probationary time period.

27       ///

28       ///

1 13. Respondent's probation is subject to revocation because he failed to comply with  
2 Probation Condition 17, referenced above. The facts and circumstances regarding this violation  
3 are as follows:

4 a. On or about August 31, 2012, Respondent was notified that he was to submit to a  
5 random test with FirstLab.

6 b. On or about August 31, 2012, Respondent failed to appear at FirstLab for testing.

7 PRAYER

8 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
9 and that following the hearing, the Board of Registered Nursing issue a decision:

10 1. Revoking the probation that was granted by the Board of Registered Nursing in Case  
11 No. 2011-942 and imposing the disciplinary order that was stayed thereby revoking Registered  
12 Nurse License No. 406851 issued to Bruce Emil Grizer;

13 2. Revoking or suspending Registered Nurse License No. 406851 issued to Bruce Emil  
14 Grizer;

15 3. Taking such other and further action as deemed necessary and proper.

16 DATED: 10/9/2012

17 *for* *Louise R. Bailey*  
18 LOUISE R. BAILEY, M.ED., RN  
19 Executive Officer  
20 Board of Registered Nursing  
21 Department of Consumer Affairs  
22 State of California  
23 Complainant  
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## **Exhibit A**

**Decision and Order**

**Board of Registered Nursing Case No. 2011-942**

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

BRUCE EMIL GRIZER  
13959 Midland Road  
Poway, CA 92064

Registered Nurse License No. 406851

Respondent

Case No. 2011- 942

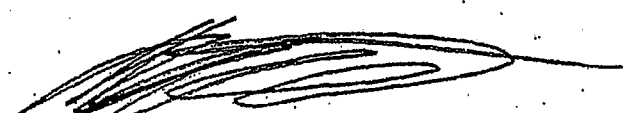
OAH No. 2011061153

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on August 17, 2012.

IT IS SO ORDERED July 19, 2012.



Erin Niemela  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California

1 KAMALA D. HARRIS  
Attorney General of California  
2 LINDA K. SCHNEIDER  
Supervising Deputy Attorney General  
3 ANTOINETTE B. CINCOTTA  
Deputy Attorney General  
4 State Bar No. 120482  
110 West "A" Street, Suite 1100  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 645-2095  
7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*

8  
9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2011-942

12 **BRUCE EMIL GRIZER**  
13 **13959 Midland Road**  
14 **Poway, CA 92064**

OAH No. 2011061153

15 Registered Nurse License No. 406851

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

16 Respondent.

17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
18 entitled proceedings that the following matters are true:

19 PARTIES

20 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Interim Executive Officer of the  
21 Board of Registered Nursing (Board). She brought this action solely in her official capacity and  
22 is represented in this matter by Kamala D. Harris, Attorney General of the State of California, by  
23 Antoinette B. Cincotta, Deputy Attorney General.

24 2. Bruce Emil Grizer (Respondent) is represented in this proceeding by attorney David  
25 M. Balfour, Esq., whose address is: 2780 Gateway Road, Carlsbad, CA 92009.

26 3. On or about November 30, 1986, the Board issued Registered Nurse License No.  
27 406851 to Bruce Emil Grizer (Respondent). The Registered Nurse License was in full force and  
28



1 effect at all times relevant to the charges brought in Accusation No. 2011-942, and will expire on  
2 September 30, 2012, unless renewed.

3 JURISDICTION

4 4. Accusation No. 2011-942 was filed before the Board, and is currently pending against  
5 Respondent. The Accusation and all other statutorily required documents were properly served  
6 on Respondent on May 27, 2011. Respondent timely filed his Notice of Defense contesting the  
7 Accusation.

8 5. A copy of Accusation No. 2011-942 is attached as Exhibit A, and incorporated herein  
9 by reference.

10 ADVISEMENT AND WAIVERS

11 6. Respondent has carefully read, fully discussed with counsel, and understands the  
12 charges and allegations in Accusation No. 2011-942. Respondent has also carefully read, fully  
13 discussed with counsel; and understands the effects of this Stipulated Settlement and Disciplinary  
14 Order.

15 7. Respondent is fully aware of his legal rights in this matter, including the right to a  
16 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at  
17 his own expense; the right to confront and cross-examine the witnesses against him; the right to  
18 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel  
19 the attendance of witnesses and the production of documents; the right to reconsideration and  
20 court review of an adverse decision; and all other rights accorded by the California  
21 Administrative Procedure Act and other applicable laws.

22 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
23 every right set forth above.

24 CULPABILITY

25 9. Respondent admits the truth of each and every charge and allegation in Accusation  
26 No. 2011-942.

27 10. Respondent agrees that his Registered Nurse License is subject to discipline and he  
28 agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

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1       4.   **Residency, Practice, or Licensure Outside of State.** Periods of residency or  
2 practice as a registered nurse outside of California shall not apply toward a reduction of this  
3 probation time period. Respondent's probation is tolled, if and when he resides outside of  
4 California. Respondent must provide written notice to the Board within 15 days of any change of  
5 residency or practice outside the state, and within 30 days prior to re-establishing residency or  
6 returning to practice in this state.

7       Respondent shall provide a list of all states and territories where he has ever been licensed  
8 as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide  
9 information regarding the status of each license and any changes in such license status during the  
10 term of probation. Respondent shall inform the Board if he applies for or obtains a new nursing  
11 license during the term of probation.

12       5.   **Submit Written Reports.** Respondent, during the period of probation, shall submit  
13 or cause to be submitted such written reports/declarations and verification of actions under  
14 penalty of perjury, as required by the Board. These reports/declarations shall contain statements  
15 relative to Respondent's compliance with all the conditions of the Board's Probation Program.  
16 Respondent shall immediately execute all release of information forms as may be required by the  
17 Board or its representatives.

18       Respondent shall provide a copy of this Decision to the nursing regulatory agency in every  
19 state and territory in which he has a registered nurse license.

20       6.   **Function as a Registered Nurse.** Respondent, during the period of probation, shall  
21 engage in the practice of registered nursing in California for a minimum of 24 hours per week for  
22 6 consecutive months or as determined by the Board.

23       For purposes of compliance with the section, "engage in the practice of registered nursing"  
24 may include, when approved by the Board, volunteer work as a registered nurse, or work in any  
25 non-direct patient care position that requires licensure as a registered nurse.

26       The Board may require that advanced practice nurses engage in advanced practice nursing  
27 for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

28   ///

1 If Respondent has not complied with this condition during the probationary term, and  
2 Respondent has presented sufficient documentation of his good faith efforts to comply with this  
3 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an  
4 extension of Respondent's probation period up to one year without further hearing in order to  
5 comply with this condition. During the one year extension, all original conditions of probation  
6 shall apply.

7 **7. Employment Approval and Reporting Requirements.** Respondent shall obtain  
8 prior approval from the Board before commencing or continuing any employment, paid or  
9 voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all  
10 performance evaluations and other employment related reports as a registered nurse upon request  
11 of the Board.

12 Respondent shall provide a copy of this Decision to his employer and immediate  
13 supervisors prior to commencement of any nursing or other health care related employment.

14 In addition to the above, Respondent shall notify the Board in writing within seventy-two  
15 (72) hours after he obtains any nursing or other health care related employment. Respondent  
16 shall notify the Board in writing within seventy-two (72) hours after he is terminated or separated,  
17 regardless of cause, from any nursing, or other health care related employment with a full  
18 explanation of the circumstances surrounding the termination or separation.

19 **8. Supervision.** Respondent shall obtain prior approval from the Board regarding  
20 Respondent's level of supervision and/or collaboration before commencing or continuing any  
21 employment as a registered nurse, or education and training that includes patient care.

22 Respondent shall practice only under the direct supervision of a registered nurse in good  
23 standing (no current discipline) with the Board of Registered Nursing, unless alternative methods  
24 of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are  
25 approved.

26 Respondent's level of supervision and/or collaboration may include, but is not limited to the  
27 following:

28 ///

- 1 (a) Maximum - The individual providing supervision and/or collaboration is present in  
2 the patient care area or in any other work setting at all times.
- 3 (b) Moderate - The individual providing supervision and/or collaboration is in the patient  
4 care unit or in any other work setting at least half the hours Respondent works.
- 5 (c) Minimum - The individual providing supervision and/or collaboration has person-to-  
6 person communication with Respondent at least twice during each shift worked.
- 7 (d) Home Health Care - If Respondent is approved to work in the home health care  
8 setting, the individual providing supervision and/or collaboration shall have person-to-person  
9 communication with Respondent as required by the Board each work day. Respondent shall  
10 maintain telephone or other telecommunication contact with the individual providing supervision  
11 and/or collaboration as required by the Board during each work day. The individual providing  
12 supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to  
13 patients' homes visited by Respondent with or without Respondent present.
- 14 9. **Employment Limitations.** Respondent shall not work for a nurse's registry, in any  
15 private duty position as a registered nurse, a temporary nurse placement agency, a traveling nurse,  
16 or for an in-house nursing pool.
- 17 Respondent shall not work for a licensed home health agency as a visiting nurse unless the  
18 registered nursing supervision and other protections for home visits have been approved by the  
19 Board. Respondent shall not work in any other registered nursing occupation where home visits  
20 are required.
- 21 Respondent shall not work in any health care setting as a supervisor of registered nurses.  
22 The Board may additionally restrict Respondent from supervising licensed vocational nurses  
23 and/or unlicensed assistive personnel on a case-by-case basis.
- 24 Respondent shall not work as a faculty member in an approved school of nursing or as an  
25 instructor in a Board approved continuing education program.
- 26 Respondent shall work only on a regularly assigned, identified and predetermined  
27 worksite(s) and shall not work in a float capacity.
- 28 ///

1 If Respondent is working or intends to work in excess of 40 hours per week, the Board may  
2 request documentation to determine whether there should be restrictions on the hours of work.

3 10. **Complete a Nursing Course(s).** Respondent, at his own expense, shall enroll and  
4 successfully complete a course(s) relevant to the practice of registered nursing no later than six  
5 months prior to the end of his probationary term.

6 Respondent shall obtain prior approval from the Board before enrolling in the course(s).  
7 Respondent shall submit to the Board the original transcripts or certificates of completion for the  
8 above required course(s). The Board shall return the original documents to Respondent after  
9 photocopying them for its records.

10 11. **Cost Recovery.** Respondent shall pay to the Board costs associated with its  
11 investigation and enforcement pursuant to Business and Professions Code section 125.3 in the  
12 amount of \$1,510.00. Respondent shall be permitted to pay these costs in a payment plan  
13 approved by the Board, with payments to be completed no later than three months prior to the end  
14 of the probation term.

15 If Respondent has not complied with this condition during the probationary term, and  
16 Respondent has presented sufficient documentation of his good faith efforts to comply with this  
17 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an  
18 extension of Respondent's probation period up to one year without further hearing in order to  
19 comply with this condition. During the one year extension, all original conditions of probation  
20 will apply.

21 12. **Violation of Probation.** If Respondent violates the conditions of his probation, the  
22 Board after giving Respondent notice and an opportunity to be heard, may set aside the stay order  
23 and impose the stayed discipline (revocation/suspension) of Respondent's license.

24 If during the period of probation, an accusation or petition to revoke probation has been  
25 filed against Respondent's license or the Attorney General's Office has been requested to prepare  
26 an accusation or petition to revoke probation against Respondent's license, the probationary  
27 period shall automatically be extended and shall not expire until the accusation or petition has  
28 been acted upon by the Board.

1       13.   **License Surrender.** During Respondent's term of probation, if he ceases practicing  
2 due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation,  
3 Respondent may surrender his license to the Board. The Board reserves the right to evaluate  
4 Respondent's request and to exercise its discretion whether to grant the request, or to take any  
5 other action deemed appropriate and reasonable under the circumstances, without further hearing.  
6 Upon formal acceptance of the tendered license and wall certificate, Respondent will no longer be  
7 subject to the conditions of probation.

8       Surrender of Respondent's license shall be considered a disciplinary action and shall  
9 become a part of Respondent's license history with the Board. A registered nurse whose license  
10 has been surrendered may petition the Board for reinstatement no sooner than the following  
11 minimum periods from the effective date of the disciplinary decision:

12       (1)     Two years for reinstatement of a license that was surrendered for any reason other  
13 than a mental or physical illness; or

14       (2)     One year for a license surrendered for a mental or physical illness.

15       14.   **Physical Examination.** Within 45 days of the effective date of this Decision,  
16 Respondent, at his expense, shall have a licensed physician, nurse practitioner, or physician  
17 assistant, who is approved by the Board before the assessment is performed, submit an  
18 assessment of the Respondent's physical condition and capability to perform the duties of a  
19 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If  
20 medically determined, a recommended treatment program will be instituted and followed by the  
21 Respondent with the physician, nurse practitioner, or physician assistant providing written reports  
22 to the Board on forms provided by the Board.

23       If Respondent is determined to be unable to practice safely as a registered nurse, the  
24 licensed physician, nurse practitioner, or physician assistant making this determination shall  
25 immediately notify the Board and Respondent by telephone, and the Board shall request that the  
26 Attorney General's office prepare an accusation or petition to revoke probation. Respondent shall  
27 immediately cease practice and shall not resume practice until notified by the Board. During this  
28 period of suspension, Respondent shall not engage in any practice for which a license issued by



1 the Board is required until the Board has notified Respondent that a medical determination  
2 permits Respondent to resume practice. This period of suspension will not apply to the reduction  
3 of this probationary time period.

4 If Respondent fails to have the above assessment submitted to the Board within the 45-day  
5 requirement, Respondent shall immediately cease practice and shall not resume practice until  
6 notified by the Board. This period of suspension will not apply to the reduction of this  
7 probationary time period. The Board may waive or postpone this suspension only if significant,  
8 documented evidence of mitigation is provided. Such evidence must establish good faith efforts  
9 by Respondent to obtain the assessment, and a specific date for compliance must be provided.  
10 Only one such waiver or extension may be permitted.

11 **15. Participate in Treatment/Rehabilitation Program for Chemical Dependence.**

12 Respondent, at his expense, shall successfully complete during the probationary period or shall  
13 have successfully completed prior to commencement of probation a Board-approved  
14 treatment/rehabilitation program of at least six months duration. As required, reports shall be  
15 submitted by the program on forms provided by the Board. If Respondent has not completed a  
16 Board-approved treatment/rehabilitation program prior to commencement of probation,  
17 Respondent, within 45 days from the effective date of the decision, shall be enrolled in a program.  
18 If a program is not successfully completed within the first nine months of probation, the Board  
19 shall consider Respondent in violation of probation.

20 Based on Board recommendation, each week Respondent shall be required to attend at least  
21 one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics Anonymous,  
22 Alcoholics Anonymous, etc.) and a nurse support group as approved and directed by the Board.  
23 If a nurse support group is not available, an additional 12-step meeting or equivalent shall be  
24 added. Respondent shall submit dated and signed documentation confirming such attendance to  
25 the Board during the entire period of probation. Respondent shall continue with the recovery plan  
26 recommended by the treatment/rehabilitation program or a licensed mental health examiner  
27 and/or other ongoing recovery groups.

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1       16.   **Abstain from Use of Psychotropic (Mood-Altering) Drugs.** Respondent shall  
2 completely abstain from the possession, injection or consumption by any route of all controlled  
3 substances and all psychotropic (mood altering) drugs, including alcohol, except when the same  
4 are ordered by a health care professional legally authorized to do so as part of documented  
5 medical treatment. Respondent shall have sent to the Board, in writing and within fourteen (14)  
6 days, by the prescribing health professional, a report identifying the medication, dosage, the date  
7 the medication was prescribed, the Respondent's prognosis, the date the medication will no  
8 longer be required, and the effect on the recovery plan, if appropriate.

9       Respondent shall identify for the Board a single physician, nurse practitioner or physician  
10 assistant who shall be aware of Respondent's history of substance abuse and will coordinate and  
11 monitor any prescriptions for Respondent for dangerous drugs, controlled substances or mood-  
12 altering drugs. The coordinating physician, nurse practitioner, or physician assistant shall report  
13 to the Board on a quarterly basis Respondent's compliance with this condition. If any substances  
14 considered addictive have been prescribed, the report shall identify a program for the time limited  
15 use of any such substances.

16       The Board may require the single coordinating physician, nurse practitioner, or physician  
17 assistant to be a specialist in addictive medicine, or to consult with a specialist in addictive  
18 medicine.

19       17.   **Submit to Tests and Samples.** Respondent, at his expense, shall participate in a  
20 random, biological fluid testing or a drug screening program which the Board approves. The  
21 length of time and frequency will be subject to approval by the Board. Respondent is responsible  
22 for keeping the Board informed of Respondent's current telephone number at all times.  
23 Respondent shall also ensure that messages may be left at the telephone number when he is not  
24 available and ensure that reports are submitted directly by the testing agency to the Board, as  
25 directed. Any confirmed positive finding shall be reported immediately to the Board by the  
26 program and Respondent shall be considered in violation of probation.

27       In addition, Respondent, at any time during the period of probation, shall fully cooperate  
28 with the Board or any of its representatives, and shall, when requested, submit to such tests and

1 samples as the Board or its representatives may require for the detection of alcohol, narcotics,  
2 hypnotics, dangerous drugs, or other controlled substances.

3 If Respondent has a positive drug screen for any substance not legally authorized and not  
4 reported to the coordinating physician, nurse practitioner, or physician assistant, and the Board  
5 files a petition to revoke probation or an accusation, the Board may suspend Respondent from  
6 practice pending the final decision on the petition to revoke probation or the accusation. This  
7 period of suspension will not apply to the reduction of this probationary time period.

8 If Respondent fails to participate in a random, biological fluid testing or drug screening  
9 program within the specified time frame, Respondent shall immediately cease practice and shall  
10 not resume practice until notified by the Board. After taking into account documented evidence  
11 of mitigation, if the Board files a petition to revoke probation or an accusation, the Board may  
12 suspend Respondent from practice pending the final decision on the petition to revoke probation  
13 or the accusation. This period of suspension will not apply to the reduction of this probationary  
14 time period.

15 18. **Mental Health Examination.** Respondent shall, within 45 days of the effective date  
16 of this Decision, have a mental health examination including psychological testing as appropriate  
17 to determine his capability to perform the duties of a registered nurse. The examination will be  
18 performed by a psychiatrist, psychologist or other licensed mental health practitioner approved by  
19 the Board. The examining mental health practitioner will submit a written report of that  
20 assessment and recommendations to the Board. All costs are the responsibility of Respondent.  
21 Recommendations for treatment, therapy or counseling made as a result of the mental health  
22 examination will be instituted and followed by Respondent.

23 If Respondent is determined to be unable to practice safely as a registered nurse, the  
24 licensed mental health care practitioner making this determination shall immediately notify the  
25 Board and Respondent by telephone, and the Board shall request that the Attorney General's  
26 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease  
27 practice and may not resume practice until notified by the Board. During this period of  
28 suspension, Respondent shall not engage in any practice for which a license issued by the Board

1 is required, until the Board has notified Respondent that a mental health determination permits  
2 Respondent to resume practice. This period of suspension will not apply to the reduction of this  
3 probationary time period.

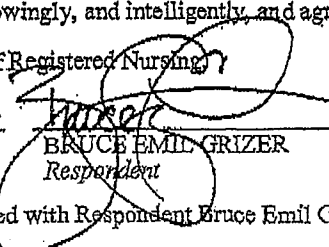
4 If Respondent fails to have the above assessment submitted to the Board within the 45-day  
5 requirement, Respondent shall immediately cease practice and shall not resume practice until  
6 notified by the Board. This period of suspension will not apply to the reduction of this  
7 probationary time period. The Board may waive or postpone this suspension only if significant,  
8 documented evidence of mitigation is provided. Such evidence must establish good faith efforts  
9 by Respondent to obtain the assessment, and a specific date for compliance must be provided.  
10 Only one such waiver or extension may be permitted.

11 19. **Therapy or Counseling Program.** Respondent, at his expense, shall participate in  
12 an on-going counseling program until such time as the Board releases him from this requirement  
13 and only upon the recommendation of the counselor. Written progress reports from the counselor  
14 will be required at various intervals.

15 ACCEPTANCE

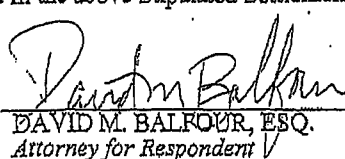
16 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
17 discussed it with my attorney, David M. Balfour, Esq.. I understand the stipulation and the effect  
18 it will have on my Registered Nurse License. I enter into this Stipulated Settlement and  
19 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
20 Decision and Order of the Board of Registered Nursing.

21 DATED: May 31, 2012

  
BRUCE EMIL GRIZER  
Respondent

23 I have read and fully discussed with Respondent Bruce Emil Grizer the terms and  
24 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.  
25 I approve its form and content.

26 DATED: May 31, 2012

  
DAVID M. BALFOUR, ESQ.  
Attorney for Respondent

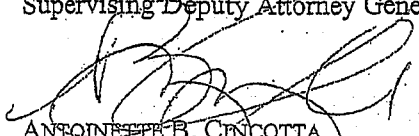
ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

Dated: 6/6/2012

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
LINDA K. SCHNEIDER  
Supervising Deputy Attorney General

  
ANTOINETTE B. CINCOTTA,  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 2011-942**

1 KAMALA D. HARRIS  
Attorney General of California  
2 LINDA K. SCHNEIDER  
Supervising Deputy Attorney General  
3 State Bar No. 101336  
AMANDA DODDS  
4 Senior Legal Analyst  
110 West "A" Street, Suite 1100  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 645-2141  
7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*

8  
9  
10 BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
11 STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No. 2011-942

13 BRUCE EMIL GRIZER  
13959 Midland Road  
14 Poway, CA 92064

ACCUSATION

15 Registered Nurse License No. 406851

16 Respondent.

17  
18 Complainant alleges:

19 PARTIES

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
22 Consumer Affairs.

23 2. On or about November 30, 1986, the Board of Registered Nursing issued Registered  
24 Nurse License Number 406851 to Bruce Emil Grizer (Respondent). The Registered Nurse  
25 License was in full force and effect at all times relevant to the charges brought herein and will  
26 expire on September 30, 2012, unless renewed.

27 ///

28 ///

## JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

## STATUTORY PROVISIONS

6. Section 482 of the Code states:

Each board under the provisions of this code shall develop criteria to evaluate the rehabilitation of a person when:

(a) Considering the denial of a license by the board under Section 480; or

(b) Considering suspension or revocation of a license under Section 490.

Each board shall take into account all competent evidence of rehabilitation furnished by the applicant or licensee.

7. Section 490 of the Code provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

8. Section 493 of the Code states:

Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board



1 may inquire into the circumstances surrounding the commission of the crime in order  
2 to fix the degree of discipline or to determine if the conviction is substantially related  
to the qualifications, functions, and duties of the licensee in question.

3 As used in this section, "license" includes "certificate," "permit," "authority,"  
4 and "registration."

5 9. Section 2761 of the Code states:

6 The board may take disciplinary action against a certified or licensed nurse or  
7 deny an application for a certificate or license for any of the following:

8 (a) Unprofessional conduct, which includes, but is not limited to, the  
following:

9 .....  
10 (f) Conviction of a felony or of any offense substantially related to the  
11 qualifications, functions, and duties of a registered nurse, in which event the record of  
the conviction shall be conclusive evidence thereof.

12 .....  
13 10. Section 2762 of the Code states:

14 In addition to other acts constituting unprofessional conduct within the meaning  
15 of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person  
licensed under this chapter to do any of the following:

16 .....  
17 (b) Use any controlled substance as defined in Division 10 (commencing with  
18 Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous  
device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner  
19 dangerous or injurious to himself or herself, any other person, or the public or to the  
extent that such use impairs his or her ability to conduct with safety to the public the  
20 practice authorized by his or her license.

21 (c) Be convicted of a criminal offense involving the prescription, consumption,  
22 or self-administration of any of the substances described in subdivisions (a) and (b) of  
this section, or the possession of, or falsification of a record pertaining to, the  
23 substances described in subdivision (a) of this section, in which event the record of  
the conviction is conclusive evidence thereof.

24 .....  
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## REGULATORY PROVISIONS

11. California Code of Regulations, title 16, section 1444, states:

A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare. Such convictions or acts shall include but not be limited to the following:

(a) Assaultive or abusive conduct including, but not limited to, those violations listed in subdivision (d) of Penal Code Section 11160.

(b) Failure to comply with any mandatory reporting requirements.

(c) Theft, dishonesty, fraud, or deceit.

(d) Any conviction or act subject to an order of registration pursuant to Section 290 of the Penal Code.

12. California Code of Regulations, title 16, section 1445 states:

(b) When considering the suspension or revocation of a license on the grounds that a registered nurse has been convicted of a crime, the board, in evaluating the rehabilitation of such person and his/her eligibility for a license will consider the following criteria:

(1) Nature and severity of the act(s) or offense(s).

(2) Total criminal record.

(3) The time that has elapsed since commission of the act(s) or offense(s).

(4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.

(5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.

(6) Evidence, if any, of rehabilitation submitted by the licensee.

## COSTS

13. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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1 September 12, 2008, and December 19, 2008, as described in paragraphs 14 and 15, above,  
2 Respondent used alcoholic beverages to an extent or in a manner that was potentially dangerous  
3 and injurious to himself, and to others in that he operated a motor vehicle while impaired by  
4 alcohol.

5 FOURTH CAUSE FOR DISCIPLINE

6 (Unprofessional Conduct - Conviction of Alcohol-Related Criminal Offenses)

7 17. Respondent has subjected his registered nurse license to disciplinary action under  
8 section 2762, subdivision (c) of the Code for unprofessional conduct in that on or about October  
9 28, 2008 and February 5, 2009, as described in paragraphs 14 and 15, above, Respondent was  
10 convicted of criminal offenses involving the consumption and/or self-administration of alcohol.

11 PRAYER

12 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
13 and that following the hearing, the Board of Registered Nursing issue a decision:

14 1. Revoking or suspending Registered Nurse License Number 406851; issued to Bruce  
15 Emil Grizer;

16 2. Ordering Bruce Emil Grizer to pay the Board of Registered Nursing the reasonable  
17 costs of the investigation and enforcement of this case, pursuant to Business and Professions  
18 Code section 125.3;

19 3. Taking such other and further action as deemed necessary and proper.

20 DATED: 5/27/2011

21 *Louise R. Bailey*  
22 LOUISE R. BAILEY, M.Ed., RN  
23 Executive Officer  
24 Board of Registered Nursing  
25 Department of Consumer Affairs  
26 State of California  
27 Complainant  
28

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